App. 449. Any act of the tenant whereby he recognizes a change of the party to whom rent is due is an attornment; the payment of rent is sufficient to establish the relation. *Mackin* v. *Haven*, 187 Ill. 480, 58 N. E. 448; *Kimball* v. *Lockwood*, 6 R. I. 138.

It has been held in Pennsylvania that foreclosure does not *ipso facto* terminate the lease, but that the purchaser at the foreclosure sale has the right to affirm or disaffirm the lease. *Farmers' and Mechanics' Bank* v. *Ege*, 9 Watts (Pa.) 436, 36 Am. Dec. 130; *Duff* v. *Wilson*, 69 Pa. St. 316. And notice is necessary to terminate the tenancy of a tenant holding under a lease subsequent to the mortgage. *Hemphill* v. *Tevis*, 4 Watts & S. (Pa.) 535. Attornment is not necessary in Pennsylvania. An attornment when made is not the initiation of a new lease, but merely the tenant's assent to the landlord's alienation, the lease being untouched in other respects. *Tilford* v. *Fleming*, 64 Pa. St. 300.

MASTER AND SERVANT—AUTOMOBILES—LIABILITY OF PARENT FOR SON'S NEGLIGENT DRIVING.—The defendant allowed her son, who resided with and was a member of her family, the use of her automobile. The son, while driving with his wife, negligently injured the plaintiff, who brought an action for damages. It was not alleged that the son was the agent or servant of the defendant in operating the car, but that he was a member of the family who was permitted the use of it. *Held*, defendant is not liable. *Norton* v. *Hall* (Ark.), 232 S. W. 934.

It is well settled that an automobile is not a "dangerous agency", so as to make its owner liable for injuries to travellers inflicted while being driven by another, irrespective of the relationship of master and servant, or principal and agent. *Jones* v. *Hoge*, 47 Wash. 663, 92 Pac. 433, 14 L. R. A. (N. S.) 216, 125 Am. St. Rep. 915.

A direct conflict of authority exists concerning the advisability of applying what is known as the "family purpose" doctrine, which holds that when the head of the family supplies an automobile for the use and pleasure of the family, those members using the automobile, even for their own personal pleasure, become the agents of the head of the family in furtherance of the purpose for which the automobile was furnished. A number of courts apply this doctrine, holding the owner liable, and it seems to be the modern tendency. *Plasch* v. *Fass*, 44 Minn. 44, 174 N. W. 438, 10 A. L. R. 1446; *Miller* v. *Weck*, 186 Ky. 552, 217 S. W. 904. Others, however, including the Virginia courts, refuse to hold the owner liable unless there was some relation of agency besides the mere membership in the family. *Blair* v. *Broadwater*, 121 Va. 301, 93 S. E. 632, L. R. A. 1918A, 1011; *Pratt* v. *Cloutier*, 119 Me. 203, 110 Atl. 353, 10 A. L. R. 1434.

Some courts draw a distinction between cases where the driver is using the car for his own purposes and those where he is driving other members of the family. The presence of other members of the family in the car creates an agency, so as to make the head of the family liable. *McNeal* v. *McKain*, 33 Okla. 449, 126 Pac. 742, 41 L. R. A. (N. S.) 775 and note; *Smith* v. *Jordan*, 211 Mass. 269, 97 N. E. 761.

It is submitted that there are undoubted practical considerations in

favor of the "family purpose" doctrine, such as putting the financial responsibility of the owner behind the car while it is being used by a member of the family, who is likely to be financially irresponsible; but, as an application of the rule of *respondeat superior*, the doctrine must be regarded as straining that rule unduly. In several States this straining has been avoided through the passage of statutes.

For a full discussion of the "family automobile", see 2 VA. LAW REV. 189. For a decided case on the subject, see 6 VA. LAW REV. 544.

PARENT AND CHILD—ACTION FOR ABDUCTION OF MINOR DAUGHTER—MEASURE OF DAMAGES.—The defendant, while the plaintiff was away from home, induced the plaintiff's 16 year old daughter to leave home against the protests of her mother and carried her to another State, where she was married to a third person within 12 hours. Plaintiff brought an action against the defendant for damages for the abduction of his daughter, alleging both loss of services between the time of her abduction and the time for her marriage and mental anguish. *Held*, plaintiff could recover. *Little* v. *Holmes* (N. C.), 107 S. E. 577.

At common law no action by a father lay for the abduction of a child unless it be the eldest son and heir. *Barham* v. *Dennis*, Cro. Eliz. 770, 78 Eng. Rep. R. 1001. With the relaxation of the common law, however, such an action was allowed the father on the grounds that he had lost the services of the child to which he was entitled. By the earlier cases such services must have been actually rendered. *Magee* v. *Holland*, 27 N. J. L. 86, 72 Am. Dec. 341, and cases there cited. But the later decisions do not require actual loss of services but allow the father to recover for constructive services, as where the child was too young to render services. *Clark* v. *Bayer*, 32 Ohio St. 229, 30 Am. Rep. 593. And where the child was not at the time a member of the father's household. *Hare* v. *Dean*, 90 Me. 308, 38 Atl. 227. But even in these cases a right to the child's services is a necessary foundation for the action.

The legal marriage of a minor daughter, even without the parent's consent, emancipates the child from the custody of the parent and no further services are due the parent. *Aldrich* v. *Bennett*, 63 N. H. 415, 56 Am. Rep. 529; *State* v. *Lowell*, 78 Minn. 166, 80 N. W. 877, 79 Am. St. Rep. 358, 46 L. R. A. 440. An action for abduction cannot be maintained against one who procures a minor's legal marriage by false and fraudulent representations to officers, and those authorized to solemnize marriages. *Hervey* v. *Moseley*, 7 Gray (Mass.) 479, 66 Am. Dec. 515. And no action can be maintained against the register of deeds for depriving a parent of his daughter's services by unlawfully issuing a marriage license where the marriage consummated was valid. *Wilkinson* v. *Dellinger*, 126 N. C. 462, 35 S. E. 819. It follows from this that if the marriage was void, or, if voidable and has been set aside, the father may recover since the child has not been emancipated.

In at least one jurisdiction, however, the court has repudiated the idea that the loss of services forms the basis of the father's right of action. *Kirkpatrick* v. *Lockhart*, 2 Brev. (S. C.) 276.

The measure of damages is not limited to the outworn fiction of "loss